(28)

22/12/07

HIGH COURT OF CHHATTISGARH AT BILASPUR
DIVISION BENCH

CORAM: HON'BLE SHRI JAGDISH BHALLA, Ag. CJ. &
HON'BLE SHRI SATISH K. AGNIHOTRI, J.

Writ Appeal No.315 of 2007

Appellant Petitioner	:	S.P. Guddhey, Son of Sri Pundalik Rao Guddhey, aged about 48 years, resident of Tilda, working as Senior Agriculture Development Officer, Development Division, Tilda, Distt: Raipur, Chhattisgarh.

Versus

Respondents	1.	State of Chhattisgarh, Through - Secretary, Agriculture Department, D.K.S. Bhawan, Raipur, Chhattisgarh.
	2.	The Upper Secretary, Agriculture Department, D.K.S. Bhawan, Raipur, Chhattisgarh.
	3.	The Director, Agriculture, D.K.S. Bhawan, Raipur, Chhattisgarh.
	4.	S.S. Baghel, Senior Agriculture Development Officer, Development Division, Bhilaigadh, Distt: Raipur, Chhattisgarh.

Writ Appeal Under Section 2 (1) of the Chhattisgarh High Court (Appeal of Division Bench) Act, 2006.

Present : Shri Anil Tripathi, counsel for the appellant
Shri U.N.S. Deo, Government Advocate for the State.

ORAL ORDER
(Passed on 20th December, 2007)

The following oral order of the Court was passed by **Hon'ble Jagdish Bhalla, Ag. C.J.**

This writ appeal is directed against the impugned order dated 07.12.2007 passed by learned Single Judge wherein the petitioner's writ petition challenging his transfer order has been dismissed.

According to the appellant / petitioner, he is a Class - III employee and has been transferred during the ban period. From the

29

perusal of the transfer policy as contained Annexure A/4, it is crystal clear that the incumbent can be transferred with the prior approval of the Chief Minister. From the perusal of the impugned order it is clear that the said order has been passed with the prior approval of the Chief Minister. We are of the considered opinion that in the light of previous pronouncements of the Hon'ble Apex Court, interference can be shown for the transfer if there is any violation of law or strong case of *mala fide*. No such ground has been pointed out by learned counsel for the petitioner. We do not find any such error in the order passed by learned Single Judge. Accordingly, the writ appeal is dismissed.

Sd/-
Ag. Chief Justice

Sd/-
Satish K. Agnihotri
Judge

padma